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ATTORNEYS FOR PLAINTIFF  
COMMODITIES & MINERALS ENTERPRISE LTD.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

COMMODITIES & MINERALS ENTERPRISE LTD.,

Plaintiff,

-against-

GRETCHEN SHIPPING INC., KYMA SHIP  
MANAGEMENT INC., PARIS KATSOUFIS,  
LAMBROS KATSOUFIS, V&H VENTURES, LTD.,  
GERARDO A. VAZQUEZ, P.A. d/b/a VAZQUEZ &  
ASSOCIATES, GERARDO A. VAZQUEZ,  
VIPSEN CORP., and STEPHEN HARRINGTON,

Defendants.

Civ. Act. No. 13 CV 6548 (PKC)

**REQUEST FOR  
ENTRY OF DEFAULT**


To: Clerk of the Court  
United States District Court  
Southern District of New York

Plaintiff Commodities & Minerals Enterprise LTD., by and through their attorneys Holland & Knight LLP, respectfully request the entry of default against defendants Stephen Harrington and Vipsen Corp., for failure to plead or otherwise defend this action as provided by the Federal Rules of Civil Procedure. This request is made pursuant to Federal Rule of Civil Procedure 55(a) and Local Civil Rule 55.1, and is supported by the Declaration of F. Robert Denig, dated September 16, 2014, and submitted herewith.

Dated: New York, New York  
September 16, 2014

Respectfully Submitted,

HOLLAND & KNIGHT LLP

By:   
Michael J. Frevola  
Christopher R. Nolan  
F. Robert Denig  
Marie E. Larsen  
HOLLAND & KNIGHT LLP  
31 West 52<sup>nd</sup> Street  
New York, NY 10019  
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*Counsel for Commodities & Minerals  
Enterprise Ltd.*

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ATTORNEYS FOR PLAINTIFF  
COMMODITIES & MINERALS ENTERPRISE LTD.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

COMMODITIES & MINERALS ENTERPRISE LTD.,

Plaintiff,

-against-

GRETCHEN SHIPPING INC., KYMA SHIP  
MANAGEMENT INC., PARIS KATSOUFIS,  
LAMBROS KATSOUFIS, V&H VENTURES, LTD.,  
GERARDO A. VAZQUEZ, P.A. d/b/a VAZQUEZ &  
ASSOCIATES, GERARDO A. VAZQUEZ,  
VIPSEN CORP., and STEPHEN HARRINGTON,

Defendants.

Civ. Act. No. 13 CV 6548 (PKC)

**DECLARATION OF F. ROBERT DENIG  
IN SUPPORT OF ENTRY OF DEFAULT**

1. I am an associate with the law firm of Holland & Knight LLP, attorneys for plaintiff Commodities & Minerals Enterprise LTD. (“CME”) in the above-referenced action, and respectfully submit this declaration in support of CME’s request that a default of defendants Stephen Harrington and Vipsen Corp. (collectively, the “Harrington Defendants”) be noted and that judgment be entered in favor of CME and against the Harrington Defendants in this matter.

2. This action was commenced by the filing of a complaint with the Court on September 17, 2013. Subsequently, CME filed an amended complaint naming both of the Harrington Defendants on November 1, 2013, on which day the Court issued summonses for the Harrington Defendants.

3. The Harrington Defendants were properly served on November 5, 2013 when Rodolfo Perez, who is over the age of eighteen years and is not a party to this action, served two true copies of the summonses and complaint upon the Harrington Defendants, by delivering and leaving the summonses and complaint with Vibeke V. Harrington, the wife of Stephen Harrington and a corporate officer of Vipsen Corp. Attached hereto as Exhibit 1 are true and correct copies of the Affidavits of Rodolfo Perez.

4. The Court has personal jurisdiction over the Harrington Defendants as they are each bound to the forum selection clause contained in the charter party agreement for the *M/V GENERAL PIAR* dated January 25, 2010 (the “Charter Party”), through principles of agency, third party beneficiary, veil-piercing, and estoppel.

5. This Court possesses jurisdiction pursuant to 28 U.S.C. § 1333 and 9 U.S.C. §§ 4 & 8, in that this is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure and in aid of maritime arbitration.

6. Venue is appropriate in this district pursuant to Rule 82 of the Federal Rules of Civil Procedure and because the Harrington Defendants are bound to the forum selection clause contained in the Charter Party.


7. The time within which the Harrington Defendants may answer or otherwise move with respect to the amended complaint herein has expired. The Harrington Defendants have not answered or otherwise moved with respect to the amended complaint, and the time for the Harrington Defendants to do so has not been extended.

8. Stephen Harrington is not an infant or an incompetent person, and to my knowledge he not on military orders or currently serving in the military.

**WHEREFORE**, CME request that the default of the Harrington Defendants be noted and entered in favor of CME and against the Harrington Defendants.

I declare under penalty of perjury that the foregoing statements are true and accurate to the best of my knowledge, information, and belief.

Dated: New York, New York  
September 16, 2014

  
F. Robert Denig

# **Denig Decl.**

## **Exhibit 1**

**RETURN OF SERVICE**

**UNITED STATES DISTRICT COURT  
SOUTHERN District of New York**

Index Number: 13-CV-6548

Date Filed: \_\_\_\_\_

Plaintiff:

**COMMODITIES & MINERALS ENTERPRISE LTD.**

vs.

Defendant:

**GRETCHEN SHIPPING INC., ET AL.,**

For:

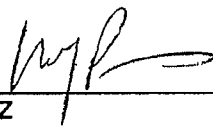
Michael J. Frevola  
HOLLAND & KNIGHT LLP  
31 West 52nd Street  
New York, NY 10019

Received by SERVICE OF PROCESS, INC. on the 5th day of November, 2013 at 12:15 pm to be served on  
**STEPHEN HARRINGTON C/O VIPSEN CORP, 4550 BAY POINT ROAD, MIAMI, FL 33137.**

I, RODOLFO PEREZ, do hereby affirm that on the **5th day of November, 2013 at 1:10 pm**, I:

served an **AUTHORIZED** entity by delivering a true copy of the **SUMMONS IN A CIVIL ACTION AND COMPLAINT** with the date and hour of service endorsed thereon by me, to: **VIBEKE V. HARRINGTON as WIFE** at the address of: **4550 BAY POINT ROAD, MIAMI, FL 33137**, who stated they are authorized to accept service for **STEPHEN HARRINGTON**, and informed said person of the contents therein, in compliance with state statutes.

I certify that I am over the age of 18, have no interest in the above action, and am a Process Server, in good standing, in the judicial circuit in which the process was served and have proper authority in the jurisdiction in which this service was made. Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true, F.S. 92.525 Verification of documents.

  
\_\_\_\_\_  
**RODOLFO PEREZ**  
Certified P.S. #365

**SERVICE OF PROCESS, INC.**  
**P.O. BOX 653653**  
**Miami, FL 33265**  
**(305) 226-6809**

Our Job Serial Number: SOP-2013002060  
Ref: 136961-1

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

COMMODITIES & MINERALS ENTERPRISE LTD

Plaintiff

v

GRETCHEN SHIPPING INC, ET AL

Defendant

Civil Action No 13 CV-6548

SUMMONS IN A CIVIL ACTION

To (Defendant's name and address) Stephen Harrington  
c/o Vipsen Corp  
4550 Bay Point Road  
Miami FL 33137

Home

A lawsuit has been filed against you

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed R Civ P 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney whose name and address are

Michael J. Frevola  
Holland & Knight LLP  
31 West 52nd Street  
New York NY 10019

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

RUBY R. KRAUSE

CLERK OF COURT

NOV 01 2013

Date

*[Signature]*  
Signature of Clerk or Deputy Clerk

SERVED  
Vibeke V. Harrington  
WIFE  
11-5-13  
1:10 PM  
H. Frel  
365



AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. 13-CV-6548

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_, or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address, or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_, or

☐ I returned the summons unexecuted because \_\_\_\_\_, or

☐ Other *(specify)* \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 00.

I declare under penalty of perjury that this information is true.

Date \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.

**RETURN OF SERVICE**

**UNITED STATES DISTRICT COURT  
SOUTHERN District of New York**

Index Number: 13-CV-6548

Date Filed. \_\_\_\_\_

Plaintiff:

**COMMODITIES & MINERALS ENTERPRISE LTD.**

vs.

Defendant:

**GRETCHEN SHIPPING INC., ET AL.,**

For:

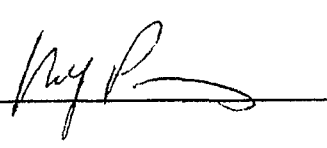
Michael J. Frevola  
HOLLAND & KNIGHT LLP  
31 West 52nd Street  
New York, NY 10019

Received by SERVICE OF PROCESS, INC. on the 5th day of November, 2013 at 12:15 pm to be served on  
**VIPSEN CORP, 4550 BAY POINT ROAD, MIAMI, FL 33137.**

I, RODOLFO PEREZ, do hereby affirm that on the **5th day of November, 2013 at 1:10 pm, I:**

served a **CORPORATION** by delivering a true copy of the **SUMMONS IN A CIVIL ACTION AND COMPLAINT** with the date and hour of service endorsed thereon by me, to: **VIBEKE V. HARRINGTON as (D.V.P.S) OFFICER OF CORPORATION** for **VIPSEN CORP**, at the address of: **4550 BAY POINT ROAD, MIAMI, FL 33137**, and informed said person of the contents therein, in compliance with state statutes.

I certify that I am over the age of 18, have no interest in the above action, and am a Process Server, in good standing, in the judicial circuit in which the process was served and have proper authority in the jurisdiction in which this service was made. Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true, F.S. 92.525 Verification of documents.

  
\_\_\_\_\_  
**RODOLFO PEREZ**  
Certified P.S. #365

**SERVICE OF PROCESS, INC.**  
**P.O. BOX 653653**  
**Miami, FL 33265**  
**(305) 226-6809**

Our Job Serial Number: SOP-2013002059  
Ref: 136961-1

AO 440 (Rev. 12/09) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

for the

Southern District of New York

COMMODITIES &amp; MINERALS ENTERPRISE LTD

*Plaintiff*

v

GRETCHEN SHIPPING INC ET AL

*Defendant*

Civil Action No 13-CV-6548

## SUMMONS IN A CIVIL ACTION

To (Defendant's name and address) Vipsen Corp  
 4550 Bay Point Road  
 Miami, FL 33137

A lawsuit has been filed against you

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency or an officer or employee of the United States described in Fed R Civ P 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are

Michael J Frevola  
 Holland & Knight LLP  
 31 West 52nd Street  
 New York, NY 10019

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

RUBY L. KRAJICK

CLERK OF COURT

NOV 01 2013

Date \_\_\_\_\_

*[Signature]*  
 \_\_\_\_\_  
 Signature of Clerk or Deputy Clerk

SERVED  
 Vibeke V. Harrington  
 (D, V P, S) OFFICER  
 OF CORP.  
 11-5-13  
 1:10p

Wf 2-02  
 365

AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. 13-CV-6548

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_, or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_, or

☐ I returned the summons unexecuted because \_\_\_\_\_, or

☐ Other *(specify)* \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00

I declare under penalty of perjury that this information is true.

Date \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: